

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6382

BILL NUMBER: SB 217

NOTE PREPARED: Apr 5, 2005

BILL AMENDED: Apr 4, 2005

SUBJECT: Speed Limits.

FIRST AUTHOR: Sen. Server

FIRST SPONSOR: Rep. Wolkins

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill:

- (1) establishes a maximum speed limit on the Indiana Toll Road of 70 mph or 65 mph for certain vehicles; (2) increases the speed limit on a section of U.S. 20 located in Elkhart and St. Joseph Counties, a section of U.S. 31 in St. Joseph County, and a highway classified by the Indiana Department of Transportation (INDOT) as an INDOT Freeway;
- (3) establishes a maximum speed limit of 60 mph on certain highways located outside an urbanized area;
- (4) makes conforming amendments;
- (5) increases the speed limit from 65 miles per hour to 70 miles per hour and from 60 miles per hour to 65 miles per hour for certain vehicles on interstate highways outside urbanized areas with a population of at least 50,000;
- (6) requires the State Police Department to report the number of fatalities from traffic accidents to the Legislative Council and the chairpersons of the committees dealing with transportation issues in the House of Representatives and the Senate if the number of fatalities increases by seven percent over the average number of accidents from the previous five years;
- (7) defines "aggressive driving";
- (8) makes aggressive driving a Class A misdemeanor if it is done knowingly or intentionally; and
- (9) makes criminal recklessness: (A) a Class D felony misdemeanor instead of a Class B misdemeanor if the offense is committed by a person who engaged in aggressive driving; (B) a Class C felony instead of a Class B misdemeanor if the offense is committed by a person who engaged in aggressive driving and caused death to another person; and (C) a Class C felony instead of a Class B misdemeanor if the offense is committed by a person who engaged in aggressive driving and caused the death of another person; (D) makes criminal recklessness a Class C felony instead of a Class B misdemeanor if it is committed by shooting a firearm into an inhabited dwelling or other building or place where people are likely to gather.

Effective Date: July 1, 2005.

Explanation of State Expenditures: *Part (1)* Seventy-five signs would need to be changed on the Toll Road at an estimated cost of \$40 per sign. Total expenditures would amount to \$3,000. The fund affected is the Toll Road Operating Account.

Part (2) The estimated expenditures for the Department of Transportation (INDOT) for this proposal appear in the table below. The data below includes a highway classified as an INDOT Freeway.

24 signs on existing posts @ \$140 each:	\$3,360
4 new signs on new posts @ \$180 each:	\$720
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TOTAL	\$4,080

The fund affected is the State Highway Fund, which supports the INDOT.

Part (3) There are 1,540 speed limit signs to be changed. Each sign costs \$87. The total estimated cost is \$133,980. The fund affected is the State Highway Fund.

Part (4) This part will have no fiscal impact.

Part (5) The (INDOT) estimates that 600 signs will need to be changed. Cost estimates range from \$15 to \$45 each depending on whether the signs are overlaid or changed out. The total cost of this part is estimated to range between \$9,000 and \$27,000.

Since labor costs for the INDOT are not allocated to specific tasks, it is assumed that those who would install the new speed signs will be paid regardless of the particular task at hand. Materials (signs) will be furnished and the cost absorbed within the existing budget of the INDOT. The fund affected is the State Highway Fund.

Part (6) The State Police report that this part will be accomplished in the normal course of accident reporting and will require no additional expenditures. The funds affected are the state General Fund, the Motor Vehicle Highway Account, and the Motor Carrier Regulation Fund, all of which support the operation of the State Police.

Part (7) will have no fiscal impact.

(Revised) *Penalty Provisions:*

Part (8) The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund

Part (9 A) A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$21,514 in FY 2004, ranging from a low of \$16,645 to a high of \$49,281. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no

additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$59,574, with the costs ranging from a low of \$52,420 to a high of \$77,674. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Parts (9 B, C, and D) A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years.

Explanation of State Revenues: (Revised) *Penalty Provision (Part 8)* The maximum fine for a Class A misdemeanor is \$5,000, whereas the maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Penalty Provision Part (9 A) The maximum fine for a Class D felony is \$10,000, whereas the maximum fine for a Class B misdemeanor is \$1,000.

Penalty Provision Part (9 B, C, and D) The maximum fine for a Class C felony is \$10,000, whereas the maximum fine for a Class B misdemeanor is \$1,000.

Explanation of Local Expenditures: *Penalty Provision (Parts A, B, C, and D)*

A Class A and B misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: *Penalty Provision (Part A, B, C and D)* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Department of Transportation; Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Larry Rust, Department of Transportation, 317- 232-5549. Indiana Sheriffs' Association, Department of Correction.

Fiscal Analyst: James Sperlik, 317-232-9866.